

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

**NOTICE OF AGENDA FOR MATTERS SCHEDULED
FOR HEARING ON JANUARY 27, 2021 AT 10:00 A.M.**

CONTESTED MATTERS

1. **10-04438 (CGM) Picard v. Estate of Seymour Epstein, et al.**

- A. Trustee's Memorandum of Law in Support of Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 9/4/2020) [ECF No. 114]

- B. Trustee's Statement of Material Facts in Support of Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 9/4/2020) [ECF No. 115]
- C. Declaration of Nicholas J. Cremona in Support of Trustee's Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed 9/4/2020) [ECF No. 116]
- D. Declaration of Lisa M. Collura, CPA, CFE, CFF filed by Nicholas Cremona on behalf of Irving H. Picard (Filed 9/4/2020) [ECF No. 117]
- E. Declaration of Bruce G. Dubinsky, MST, CPA, CFE, CVA, CFF, CAMS, MAFF filed by Nicholas Cremona on behalf of Irving H. Picard (Filed 9/4/2020) [ECF No. 118]
- F. Declaration of Matthew B. Greenblatt, CPA/CFF, CFE filed by Nicholas Cremona on behalf of Irving H. Picard (Filed 9/4/2020) [ECF No. 119]

Combined Opposition and Cross Motion Due: October 9, 2020

Opposition and Cross Motion Filed:

- G. Memorandum of Law in Opposition to the Trustee's Motion for Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment Dismissing the Complaint filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein (Filed: 10/9/2020) [ECF No. 122]
- H. Opposition and Response to Trustee's Rule 56.1 Statement of Material Facts filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of

Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein (Filed: 10/9/2020) [ECF No. 123]

- I. Counterstatement of Material Facts in Opposition to the Trustee's Motion for Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment Dismissing the Complaint filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein (Filed: 10/9/2020) [ECF No. 124]
- J. Declaration of Helen Davis Chaitman in Opposition to the Trustee's Motion for Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment Dismissing the Complaint filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein (Filed: 10/9/2020) [ECF No. 125]

Replies Due: October 30, 2020

Replies Filed:

- K. Trustee's Reply Memorandum of Law in Further Support of Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 10/30/2020) [ECF No. 129]
- L. Trustee's Responses and Objections to Defendants' Counterstatement of Material Facts filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 10/30/2020) [ECF No. 130]
- M. Declaration of Seanna R. Brown in Further Support of Trustee's Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 10/30/2020) [ECF No. 131]

Replies to Cross-Motion Due: November 6, 2020

Replies Filed:

- N. Defendants' Reply Memorandum of Law in Further Support of Their Cross-Motion for Summary Judgment Dismissing the Complaint filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein (Filed: 11/6/2020) [ECF No. 136]

Related Documents:

- O. Order Setting Deadlines for Trustee's Motion for Summary Judgment and Defendants' Cross-Motion to Dismiss for Lack of Subject Matter Jurisdiction (Barrett, Chantel) (Entered: 07/30/2020) [ECF No. 109]
- P. Notice of Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 9/4/2020) [ECF No. 113]
- Q. Notice of Defendants' Cross-Motion for Summary Judgment filed by Helen Davis Chaitman on behalf of Estate of Seymour Epstein, Herbert C. Kantor, as trustee of Trusts created by the Last Will and Testament of Seymour Epstein, Jane Epstein, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the

Last Will and Testament of Seymour Epstein, Muriel Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by Last Will and Testament of Seymour Epstein, as executor of the Estate and/or trustee of the Trusts created, Randy Epstein Austin, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the last Will and Testament of Seymour Epstein, Robert Epstein, as beneficiary of the Estate of Seymour Epstein and/or Trusts created by the Last Will and Testament of Seymour Epstein, Shelburne Shirt Company, Inc., Susan Epstein Gross, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein (Filed: 10/9/2020) [ECF No. 121]

- R. Notice of Hearing to consider the Motion for Summary Judgment /Trustee's Memorandum of Law in Support of Motion for Summary Judgment filed by Clerk of Court, United States Bankruptcy Court, SDNY. with hearing to be held on 11/18/2020 at 01:00 PM at Teleconference Line (CourtSolutions) (CGM) (Ashmeade, Vanessa) (Entered: 10/29/2020)
- S. Notice of Adjournment of Hearing on Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 11/5/2020) [ECF No. 134]

Status: This matter is going forward.

Dated: January 26, 2021
New York, New York

Respectfully submitted,

/s/ Nicholas J. Cremona

Baker & Hostetler LLP

45 Rockefeller Plaza

New York, New York 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Thomas L. Long

Email: tlong@bakerlaw.com

Nicholas J. Cremona

Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff*